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FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Aug 29 '95

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE  
SECRETARY

In the Matter of

Amendment of Part 97 of the )  
Commission's Rules to Eliminate )  
Certain One-Way Communications in )  
the Amateur Radio Service Medium )  
and High Frequency Bands )

RM No.

RM-8626

To: The Commission

K1MAN's OBJECTION TO PETITION FOR RULEMAKING BY W5YI

Frederick O. Maia, by his counsel, has requested that the Commission amend Part 97 of its rules to eliminate the provisions which permit Amateur Radio Service stations to transmit one-way information bulletins and international Morse code practice below 30 MHz. He claims that such transmissions do not comport with normal operating practices and that, in 1995, they have outlived their usefulness.

Your Respondent, Glenn A. Baxter, P.E., K1MAN, has held an Amateur Extra Class License for 31 years and was first licensed as a Novice in 1956. Mr. Baxter, also, has had a life long interest in Amateur Radio, and since the 1985 Mexico City earthquake, has devoted a great deal of his life to large scale emergency communications efforts by organizing and operating the International Amateur Radio Network (IARN). In Contrast to Mr. Maia, W5YI, IARN is not commercial in any way. Maia earns his living through amateur radio. Mr. Baxter does not.

IARN has 5000 lifetime members in 80 different countries. IARN has done exceptional work in every major communications emergency for the last ten years, resulting in worldwide recognition for excellence, and for Mr. Baxter, personally, formal recognition by the State of Maine Legislature in 1991, and being named as a Distinguished Alumnus by Vermont Academy in 1993.

The American Radio Relay League (ARRL) has given no credit to IARN in their journal QST. IARN needed an outlet and journal of its own to express its views about amateur radio and also to reach out to its members and prospective members without the high cost of mailing out a newsletter. The IARN Bulletin Service was created for this purpose in 1987 and has operated daily on 3.975 and 14.275 MHz. since that time.

Your Respondent objects to Maia's proposed rule change:

Mr. Maia is concerned about one-way communications in the Amateur Service high frequency (hf) bands on two levels. First, as a licensed Amateur Radio operator, he is personally distressed at the level of anger that now exists on these bands. He says this anger is primarily caused when one-way, broadcast-type transmissions interrupt two-way communications that are already in progress. He says this anger is manifested by deliberate attempts to interfere with or "jam" the one-way transmissions.

Your Respondent disagrees. There are a handful of amateurs who feel they "own" 3.975 MHz. and that K1MAN's scheduled 45 minute bulletins are not legal. These amateurs claim to operate a so called "2100 Gang" net which traditionally would not come on until 2130 UTC or frequently 2145 UTC. With the change of propagation over the last year, there would be mutual interference when the scheduled 2200 UTC K1MAN bulletins would begin.

Your respondent, in compliance with 97.101(b), has made several good faith attempts to cooperate and negotiate a resolution to the problem. In 1988, K1MAN was invited to the Atlanta ham fest to meet in a public forum and seek resolution. The forum was canceled and K1MAN was disinvited. K1MAN has moved frequency when requested by amateurs during emergency operations on 3.975 Mhz. K1MAN even moved frequency on his own initiative to avoid the KO4TA Sunday night talk program which was started on top of K1MAN's talk program several weeks after its inception. The Georgia radio amateurs then took actions to recruit people to follow K1MAN to the new frequency and cause intentional interference.

Now KO4TA has moved his talk program to Saturday night (on top of K1MAN bulletins), and K1MAN has suspended its Saturday night operations in a third attempt to resolve the conflict.

The anger referred to my Mr. Maia has been caused by the filing of notarized complaints about interference to K1MAN bulletins with the U.S. Attorney (under Sections 333 and 501).

Mr. Maia says he is especially concerned about the impact that this anger and the resulting malicious interference has on relatively new amateurs who are increasingly upgrading their Technician VHF Amateur operator licenses to include the long range high frequency operation. He claims the intrusion into on-going conversations and the animosity that one-way communications allegedly engender on supposedly "congested" HF bands is setting a very bad example to newcomers and is contributing to a general deterioration

in the quality of communications in the HF Amateur Service bands.

Your Respondent disagrees. The animosity is caused by the wrong perception that K1MAN bulletins are not legal. Mr. Maia, himself, came on KO4TA's talk program on 12 February 1995 and advised the southern amateurs that K1MAN was legal. This made them even madder; to be wrong for so long and to be humiliated in this unexpected fashion. It is not the fault of K1MAN. In fact, KO4TA has maintained publicly that FCC EIC's have told him that talking over K1MAN bulletins was OK.

According to Harry Dannals, W2HD, former ARRL President and QCWA President, the HF bands are underutilized. Your Respondent agrees. How would W5YI know? He never gets on HF. Information bulletins on HF are very efficient, with thousands of listeners, as compared with hundreds, dozens, a few, or just two amateurs using a given frequency.

On the contrary, K1MAN bulletins are great for newcomer hams. Any discredit to amateur radio is caused by FCC inaction and ARRL and other misinformation spread about K1MAN which encourages amateurs to cause intentional interference to the bulletin service.

KO4TA even interfered with K1MAN during the Kobe earthquake emergency. A formal complaint was filed with the U.S. Attorney who advises that he has forwarded it to the FCC. **The solution to all of this is not a rule change; the solution is a single \$300 fine against KO4TA.** This would put the fear of God in all of the blow hards who are making a mountain out of a mole hill.

Mr. Maia defines Permissible One-Way Transmissions:

The international law defines the Amateur Service as "A radiocommunication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs...." Article 32 of the international Radio Regulations refers to "Radiocommunications between amateur stations..." in other words, two-way exchanges of messages or information between Amateur stations are the worldwide norm, as contrasted to one-way "broadcast-type" transmissions.

In the United States, Amateurs generally conduct two-way communications as stated in Section 97.111(a) of the Commission's Rules. There are, however, certain exceptions contained in Section 97.111(b), which permit one-way transmissions to assist in the learning of the

international Morse code and the dissemination of information bulletins.

Section 97.3(a)(23) defines an information bulletin as "A message directed to amateur operators consisting solely of subject matter of direct interest to the amateur service." This is a very permissive category and taken in its broadest context, permits just about anything to be transmitted that is even remotely associated with the Amateur Service.

Maia alleges "A Pattern of Growing Abuse"

Over the years certain stations have become "bulletin stations," transmitting one-way broadcast-type programs on the 75/80, 40 and 20 meter bands and other hf bands as well. Although bulletins and code practice are the exceptions and not the rule, these bulletin stations regularly broadcast on scheduled frequencies regardless of any on-going two-way communications. Maia alleges that bulletin stations are abusing the privilege. **He says many are suffering at the hands of the few.**

Your Respondent disagrees. There is no "norm" in amateur radio. At one time the "norm" was a home brew transmitter on CW or maybe (wow!!!) AM, and a store bought receiver. Now we have SSB, Packet, Satellite, Repeaters, Computers, and yes, a daily (free!!!!) bulletin service which uses solid state store bought \$89 tape decks for low cost production, telephone line transmission of audio (a 12 volt filament transformer works great), FAX machines, automatic answering machines, recording of forums at Dayton, recording of Ralph Haller at Miami, Dave Sumner of ARRL reporting on the condition of George Wilson in the hospital, interviews of "ordinary" hams on just about anything, Wayne Green on a live interactive talk program, W5YI (Himself) on a talk program talking for an hour about "vanity" call signs and another hour about hanging K1MAN out to dry.

Playing with propagation on 20 and 80 meters, the 7 times daily bulletins can be heard anywhere on the globe. **The incidental interference to on-going communications by regular, scheduled bulletins is minor.** Another great innovation is the VFO knob, and, when all else fails, the on/off switch.

Talk about self training!! Radio amateurs involved in producing information bulletins and live talk programs have taught themselves how to solve a wide variety of basic communications problems. The bulletin format played a major role in the recent Kobe earthquake where there was otherwise no long haul radio propagation. (Computer BBS link between the U.S and Tokyo and

40 and 80 meter links between Tokyo and Kobe. Traffic came in to K1MAN by Packet, AMTOR BBS, telephone BBS, FAX, and telephones. Voice traffic was directed to the Maritime Mobile and Intercon nets.

Contrary to abusing the privilege, **information bulletin stations are showing great innovation in welding together a very useful low cost information dissemination system on HF** that has the experts gasping. 1000 Watts on amateur radio (no 100 KW commercial transmitters to compete with) plus efficient SSB is on the cutting edge of "broadcast technology." Where else can you listen to programming world wide on SSB?

**Contrary to many suffering at the hands of a few, we have thousands benefiting from the work of a few and being intentionally interfered with by many.**

Maia reminds us that the rules clearly state that "...licensees must cooperate in selecting transmitting channels..." and "No frequency will be assigned for the exclusive use of any station." (See 97.101(b)) He says that bulletin stations recklessly go on the air on "their" frequencies at "their" scheduled times without the mandated "cooperation" and without observing the most fundamental of operating practices, namely, to monitor the frequency for use before transmitting.

Your Respondent agrees that there must be cooperation. Just as with repeaters, conflict should be resolved in a reasonable manner. It is reasonable to pick a frequency, publish a schedule, and stick to it. If there is a conflict, it is reasonable for the parties to negotiate a compromise and settlement. It is not reasonable to QRZ before every bulletin and then QSY all over the band. Most nets start on frequency and on time, and the same is true with bulletins. Mr. Maia is using fuzzy thinking and disjointed logic. **Bulletins are not a problem. Petty amateur radio politics is the problem.**

Bulletin stations don't use "their frequency." They share the frequency with groups who think "they" are the owners. Bulletins have to be somewhere. If the other fellows don't want to sit down and negotiate, a bulletin station might as well stay put.

When dragged in front of an Administrative Law Judge on a charge of violating 97.101(b), the Court will look at who was trying to cooperate and who wasn't. He will not look at who was there first, who is smarter, or anything else. He will rule on who is being the most reasonable. In this case, K1MAN is being reasonable and the other side is being unreasonable.

Maia says that the proliferation of bulletin stations has caused chaos in the amateur community that has now reached crisis proportions.

Your Respondent disagrees. **The formal complaints to the U.S. attorney has caused consternation in the amateur community as well they should.** The crisis is criminal violations of Sections 333 and 501 by many parties who should have known better.

Maia points out that a cornerstone of the Amateur Service is its "...unique ability to enhance international goodwill." The high frequency band has world-wide range and the image of United States Amateurs is being badly tarnished by this on-going tirade.

Your Respondent agrees. All that is needed is for the FCC to do its job. A couple of \$300 fines would do the trick. The alternative of banishing HF bulletins, shutting down W1AW, the court challenges, involvement of the U.S. Attorney in serious formal criminal charges, etc., is preposterous. W5YI has got several loose screws on this one.

Maia argues that there was a time in the history of the Amateur Radio Service when the benefit to be derived from permitting occasional one-way broadcasts on hf bands outweighed the negative impact of operations of this type on ordinary communications. That time has now passed. Today there are plenty of other methods of communicating general information to Amateurs, including Amateur vhf packet networks, on-line computer services such as CompuServe, Prodigy, America Online and the World Wide Web pages of the Internet. Similarly, code practice is now easily accomplished via software training and simulation programs.

Your Respondent argues that there is very little negative impact by HF bulletins and great benefit. Information is disseminated **for free** and widely at minimum cost. **On-line computer services such as CompuServe, Prodigy, America Online and the World Wide Web pages of the Internet all cost money, are not amateur radio,** and are limited to print. HF bulletins are voice interviews, forums, speeches, editorials, talk programs; all very easy and efficient to produce. Mr. Maia should have his tongue cut out and carry a keyboard around his neck if he thinks otherwise.

Mr. Maia Concludes:

A major aim of many amateurs is long range

communication or "working DX" as it is called. A second popular amateur activity on the hf bands is leisure communications or "rag chewing." The third widespread pursuit is participating in round-table communications about a specific interest or "networks."

None of these activities is compatible with broadcast-type bulletin or code practice stations that come on an occupied channel without first determining if the frequency is already in use. Such stations have outlived their usefulness to the Amateur Radio Service and should now be prohibited in the hf bands.

Your Respondent concludes: Baloney!! **Mr. Maia is simply pulling a publicity stunt and/or trying to eliminate his competition to the W5YI report.** Mr. Maia makes a living off of amateur radio. K1MAN doesn't. K1MAN is a financial advisor and an NASD Registered Representative. For K1MAN, IARN and amateur radio is a hobby. Pro Se litigation before the FCC, the Court of Appeals, and the U.S. Supreme Court is a hobby; all done for the pure enjoyment of it all.

Allowing bulletins above 30 MHz. is arbitrary. Dumping a bulletin on a two meter repeater is worse than on HF because there are fewer places to go; you must go to another repeater. This is why it is usually the repeater **owner** who puts out the bulletins on **"his"** repeater coordinated frequency!! Do you see the point?

**Banning HF bulletins is an attempt to suppress free speech of K1MAN**, and Maia would like to slam ARRL at the same time. ARRL is also a commercial organization. Maia and ARRL are in direct commercial competition. Amateur radio is a non commercial hobby.

Wherefore, your Respondent requests that Maia's Petition to change the rules be dismissed.

Respectfully submitted,  
Glenn A. Baxter, P.E. K1MAN

A handwritten signature in black ink, appearing to read 'G. A. Baxter', written over a horizontal line.

Date: March 23 1995

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